IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 532 of 2001

Between:

Mohd Chand Pasha, S/o.Mohd Khasim,
R/o.H.No.13-6-437/A/36/2, khaderbagh,
Golconda, Hyderabad-8.

..... PETITIONER

AND

1 Vice Chairman and Housing Commissioner, A.P.Housing

Board, Gruhakalpa, MJ Road,
Hyderbad-1.
2 C.V. Muktha Bai W/o. Shivaram
H.No.949, LIG Phase III, Kukatpally Housing Board,

Hyderabad.
R.3 is impleaded as per court order dt. 28-2-2005 in WPMP

1134 of 2005

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing Lr.No.949/LIG/KKP/EM3/EE(N)/2K, dt:6.1.2001 cancelling the allotment of H.No.949/LIG in Kukatpally Housing Board Colony which was allotted to the petitioner 7-1-85 as arbitrary, illegal, unjust and violative of principles of natural justice.

Counsel for the Petitioner:MR.C.M.R.VELU

Counsel for the Respondent : MR.J.PRABHAKAR FOR R-1

MR.BATHULA RAJ KIRAN FOR R-2

The Court made the following :

ORDER:

This writ petition is filed by Md.Chand Pasha with a prayer to issue a writ or order or particularly one in the nature of Writ of Mandamus declaring the action of the first respondent-Vice Chairman and Housing Commissioner, A.P Housing Board in issuing Lr.No.949/LIG/KKP/EM3/EE(N)/2K dated 6-1-2001, cancelling the allotment of H.No.949/LIG in Kukatpally Housing Board Colony to the petitioner on 07-01-1985, as arbitrary, illegal, unjust and violative of principles of natural justice.

2. The petitioner has been allotted house bearing H.No.949/LIG in Kukatpally under the defence quota. The first respondent cancelled the allotment on the ground that the petitioner violated the terms and conditions of the allotment. The petitioner questioned the cancellation of allotment on the ground that no show cause notice was issued to him before cancellation.

3 . It is the case of the second respondent that she purchased property from the petitioner. A Civil Suit was also filed by her against the petitioner. The filing of the suit is not controverted by the parties to the writ petition. Such is the case, the dispute between the petitioner and the second respondent is beyond the scope of the writ jurisdiction. However, the petitioner and 2nd respondent are at liberty to make representations to the 1st respondent with in two months and thereafter, the first respondent has to pass appropriate orders on the said representation/s, within two months.

4. Accordingly, the writ petition is disposed of.

No costs.

24th June, 2005.

Note:

Issue copy within a week.

(B/O)

mrb

To

1. Vice Chairman and Housing Commissioner, A.P.Housing

Board, Gruhakalpa, MJ Road,
Hyderbad-1.
2. One CC to MR.BATHULA RAJ KIRAN

3. Two CD copies.